

BEERS LAW OFFICES
THOMAS J. BEERS
P.O. Box 7968
234 E. Pine Street
Missoula, MT 59802
Telephone: 406/728-4888
blo@montana.com

ROBBINS GELLER RUDMAN
& DOWD LLP
JOY ANN BULL
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)
joyb@rgrdlaw.com

ROBBINS GELLER RUDMAN
& DOWD LLP
JEFFREY W. LAWRENCE
100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
jeffreyl@rgrdlaw.com

Attorneys for Lead Plaintiff Vogt

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BUTTE DIVISION

In re TOUCH AMERICA HOLDINGS,)
INC. SECURITIES LITIGATION)

This Document Relates To:)

ALL ACTIONS.)

No. CV-02-0057-BU-SEH

CLASS ACTION

SECURITIES LEAD PLAINTIFF'S
MOTION FOR: (1) FINAL
APPROVAL OF SECURITIES CLASS
ACTION SETTLEMENT; (2)
APPROVAL OF THE PLAN OF
ALLOCATION OF SETTLEMENT
PROCEEDS; AND (3) AN AWARD
OF ATTORNEYS' FEES AND
EXPENSES

Securities Lead Plaintiff Gerald R. Vogt, by his counsel, hereby moves this Court pursuant to an order of the Court dated February 10, 2010, for: (1) approval of the settlement embodied in the Touch America Securities Stipulation of Settlement dated as of November 13, 2009 (“Securities Settlement Agreement”) and the Amendment to Touch America Securities Stipulation of Settlement dated December 4, 2009 (“Amendment”); (2) approval of the Plan of Allocation of settlement proceeds; and (3) an award of attorneys’ fees and expenses. Pursuant to the Court’s Order of February 10, 2010, such motion will be heard during the period beginning on May 20, 2010, at 8:30 a.m. through close of business on May 21, 2010, at the United States Courthouse, 400 North Main, Butte, MT 59701.

In support of this motion, Securities Lead Plaintiff submits herewith a Memorandum of Law in Support of Motion for Final Approval of Securities Class Action Settlement and the Plan of Allocation of Settlement Proceeds, Memorandum of Law in Support of Securities Lead Counsel’s Motion for an Award of Attorneys’ Fees and Expenses, the Declaration of Jeffrey W. Lawrence in Support of Motion for (1) Final Approval of Securities Class Action Settlement; (2) Approval of Plan of Allocation of Settlement Proceeds; and (3) An Award of Attorneys’ Fees and Expenses, the Declaration of Joy Ann Bull in Support of Securities Lead Counsel’s Motion for an Award of Attorneys’ Fees and Expenses, the Declaration of Carole K. Sylvester Re A) Mailing of the Montana Power Settlements Cover Letter; B) Mailing of the Notice of Pendency and Proposed Settlement of Touch America Securities Action; C) Notice of the Montana Power Class Action Settlement; D) The Proof of Claim and Release Form; and E) Publication of the Published Notice, the Declaration of Thomas J. Beers Filed on Behalf of Beers Law Offices in Support of Award of Attorneys’ Fees and Expenses, Declaration of Joy Ann Bull Filed on Behalf of Robbins Geller Rudman & Dowd LLP, and the Declaration of Michael S. Etkin Filed on Behalf of Lowenstein Sandler, PC in Support of Award of Attorneys’ Fees and

Expenses. Securities Lead Plaintiff's motion is also based on the above referenced Securities Settlement Agreement and Amendment, all other pleadings and matters of record, and such additional evidence or argument as may be presented at the hearing.

DATED: April 6, 2010

ROBBINS GELLER RUDMAN
& DOWD LLP
JOY ANN BULL

s/ Joy Ann Bull
JOY ANN BULL

655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

ROBBINS GELLER RUDMAN
& DOWD LLP
JEFFREY W. LAWRENCE
100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

BEERS LAW OFFICES
THOMAS J. BEERS

s/ Thomas J. Beers
THOMAS J. BEERS

P.O. Box 7968
234 E. Pine Street
Missoula, MT 59802
Telephone: 406/728-4888
406/728-8445 (fax)

Attorneys for Lead Plaintiff Vogt

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 6, 2010.

s/ Joy Ann Bull
JOY ANN BULL

ROBBINS GELLER RUDMAN
& DOWD LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

E-mail: joyb@rgrdlaw.com

Mailing Information for a Case 2:02-cv-00057-SEH

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Thomas J. Beers**
blo@montana.com, layneblo@montana.com
- **Alan F. Blakley**
mjones@montana.com
- **Joy Ann Bull**
joyb@csgrr.com
- **James E. Burns , Jr**
jburns@orrick.com
- **Patrick T. Fleming**
ptf_folaw@qwest.net
- **Robert F. James**
rfj@uazh.com, rkj@uazh.com, sjw@uazh.com
- **Stephen M. Knaster**
sknaster@orrick.com
- **Jeffrey W. Lawrence**
JeffreyL@csgrr.com, jdecena@csgrr.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Sander Bak
MILBANK TWEED HADLEY & McCLOY
One Chase Manhattan Plaza
New York, NY 10005-1413

Rolin P. Bissell
YOUNG CONAWAY STARGATT & TAYLOR
PO Box 391
Wilmington, DE 19899-0391

Scott Edelman
MILBANK TWEED HADLEY & McCLOY
One Chase Manhattan Plaza
New York, NY 10005-1413

Lori G. Feldman

MILBERG WEISS BERSHAD & SCHULMAN
1001 Fourth Ave
Suite 2550
Seattle, WA 98154

Danielle Gibbs
YOUNG CONAWAY STARGATT & TAYLOR
PO Box 391
Wilmington, DE 19899-0391

Jeffrey M. Haber
BERNSTEIN LIEBHARD & LIFSHITZ
10 East 40th Street
New York, NY 10016

Maria V. Morris
LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS
100 Pine Street
Suite 2600
San Francisco, CA 94111

Samuel H. Rudman
MILBERG WEISS BERSHAD & SCHULMAN
One Pennsylvania Plaza
49th Floor
New York, NY 10119

Steven G. Schulman
MILBERG WEISS BERSHAD & SCHULMAN
One Pennsylvania Plaza
49th Floor
New York, NY 10119

Joseph R. Seidman
BERNSTEIN LIEBHARD & LIFSHITZ
10 East 40th Street
New York, NY 10016

, Jr